

## REMARKS

The present amendment is submitted in conjunction with a simultaneously filed Request for Continued Examination (RCE) and in response to the final Office Action dated April 3, 2007, which set a three-month period for response, making this amendment due by July 3, 2007, and with the initial two-month period for response expiring on June 3, 2007.

Claims 1-2, 5-6, 8-14 and 17-23 are pending in this application.

In the final rejection, claims 1-23 were rejected under 35 U.S.C. 101 on grounds the claimed invention is directed to non-statutory subject matter, specifically, there is no tangible result. Claims 2, 7, 11-12, 14, and 23 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-2 and 17-22 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,726,559 B2 to Bischoff. Claims 3-14 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bischoff in view of U.S. Patent No. 5,712,782 to Weigelt et al.

In the present amendment, claim 1 has been amended to address the rejection under Section 101 and the substantive rejections by adding the features of claims 3, 4, and 7, which have been canceled. Claim 1 now includes the transformative step of "*generating further-processible output data*".

The claims were further amended to address the outstanding rejection under Section 112, second paragraph.

The Applicants respectfully submit that claim 1 as amended is patentable over the cited references. The Bischoff reference is limited to controlling an agricultural,

or harvesting, machine by means of sensing efficiency parameters of the processed crop and generating adjustment signals for the different process elements of the machine (one and the same machine). The entire process is limited to a machine-internal adjusting process ***without any reference*** to external data generating and/or providing systems. Therefore, claim 1 as amended is not anticipated by Bischoff.

The Weigelt reference discloses a telemetric data exchange process between different agricultural machines by means of using the different machine-internal bus systems and a central controlling processor 1. The on-board processor 8 optimizes the respective machines on which they are arranged (see Weigelt, column 4, from line 56. These processors are able to consider GPS signals. The central controlling processor 1 can amend/optimize data, received from one of the machines, before the processor transmits these optimized signals/data to one of the other machines. “Optimizing” means “optimized adjustment information” for the data receiving machine. For creating these optimized data, the processor 1 is configured also to use information of external data generating and/or providing systems (for example, environmental parameters like ground condition or moisture).

The Applicants respectfully submit that the Bischoff reference describes in more detail the machine-internal processes which also are disclosed in a general manner in the Weigelt reference (box no. 3, in Figs. 1 and 2). Therefore, one skilled in the art would begin with the Weigelt reference (and not with the Bischoff reference, as proposed by the Examiner), and if the practitioner required more detailed information about the machine-internal data generating system, he would consider the Bischoff reference. This is evidenced by the fact that Bischoff neither discloses a data transfer

system which transmits information between internal and external systems nor does it discuss the problem of providing and generating optimized process element parameters from internal and external sources.

Therefore, the cited references, whether viewed alone or in combination, neither disclose nor suggest the solution of the present invention, which comprises “a plurality of process algorithms whereby one can select one of them....”.

With regard to the rejection of claim 17, the Applicants again respectfully disagree that Bischoff anticipates the subject matter of this claim. Specifically, Bischoff fails to disclose “situation patterns”. In addition, Bischoff teaches a system which recognized nearly identical situation patterns and depending on the identified situation pattern, the system elects a process algorithm linked with the identified situation pattern.

For the reasons set forth above, the Applicants respectfully submit that claims 1-2, 5-6, 8-14 and 17-23 are patentable over the cited art. Allowance of the application is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

**/ Michael J. Striker /**

Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road  
Huntington, New York 11743  
631-549-4700